

Serial No. 10/754,923  
Terminal Disclaimer

**TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
UNITED STATES

**Statement Under 37 C.F.R. 3.73(b)**

**Identification of Person Making This Disclaimer**

I, Martin A. Hay, Registration No. 39,459, am agent of record in this application. In that capacity, I am authorized to sign this disclaimer on behalf of the assignee owning all of the interest in this application.

**Identity of Assignee**

I hereby verify that the assignee owning all of the interest in this application is:

Eli Lilly and Company  
Lilly Corporate Center  
Indianapolis, Indiana 46285

**Extent of Interest**

The extent of Eli Lilly and Company's interest is in the whole of this invention.

**Recordal of Assignment in PTO**

The assignments of the inventors' entire right, title and interest in the application to Eli Lilly and Company have been recorded at the PTO as follows:-

Assignment of the interests of:-

LIEBESCHUETZ, John Walter  
MURRAY, Christopher William  
YOUNG, Stephen Clinton

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CAMP, Nicholas Paul  
JONES, Stuart Donald  
WYLIE, William Alexander

To:-

Protherics Molecular Design Limited,  
Lyme Green Business Park,  
Beechfield House,  
Macclesfield, Cheshire  
United Kingdom

on 02/04/2002, Reel 012780, Frame 0126;

Assignment of the interest of:-

Protherics Molecular Design Limited

To:-

Eli Lilly and Company  
Lilly Corporate Center  
Indianapolis, Indiana 46285

on 02/04/2002, Reel 012780, Frame 0677; and

Assignment to:-

Eli Lilly and Company  
Lilly Corporate Center  
Indianapolis, Indiana 46285

of the interests of :-

MASTERS, John Joseph on 02/04/2002, Reel 012780,  
Frame 0652;

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WILEY, Michael Robert on 02/04/2002, Reel 012780,  
Frame 0916;

SHEEHAN, Scott Martin on 02/04/2002, Reel 012780,  
Frame 0684;

ENGEL, David Birenbaum on 02/04/2002, Reel 012780,  
Frame 0710;

WATSON, Brian Morgan on 02/04/2002, Reel 012780,  
Frame 0737;

GUZZO, Peter Robert on 02/04/2002, Reel 012780,  
Frame 0671;

MAYER, Michael John on 02/04/2002, Reel 012780,  
Frame 0759;

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Terminal Disclaimer Under 37 C.F.R. 1.321(c)

The owner (assignee) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/030,187, filed on February 4, 2002, as such term is defined in 35 U.S.C. 154, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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Fee Payment

Please charge \$130.00, the fee set forth in 37 C.F.R. 1.20(d), and charge any additional fees which may be required by this or any other related paper, or credit any overpayment to deposit account number 50-1230 in the name of Martin A. Hay & Co. The Commissioner is further authorized to charge any underpayment or refund any overpayment of this fee to this deposit account.

Signed on behalf of:  
ELI LILLY AND COMPANY



Hay, Martin Alexander  
Agent for Assignee/Applicants  
Registration No. 39,459  
Phone: 011 44 1625 500057  
Email: martinahay@martin-a-hay.com

Customer No. 24330  
[Martin A. Hay & Co.,  
13 Queen Victoria Street  
Macclesfield  
Cheshire  
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UNITED KINGDOM]

February 22, 2005

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032  
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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918).**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 130.00**Complete if Known**

Application Number 10/754,923

Filing Date 01/12/2004

First Named Inventor Liebeschuetz

Examiner Name Habte, Kahsay

Art Unit 1624

Attorney Docket No. 00219US1

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number 50-1230 Deposit Account Name: Martin A. Hay & Co

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)

Small Entity Fee (\$)

Each independent claim over 3 (including Reissues)

50

25

Multiple dependent claims

200

100

360

180

**Total Claims** **Extra Claims** **Fee (\$)** **Fee Paid (\$)**- 20 or HP =  $\frac{\text{Total Claims} - 20}{\text{HP}}$  x Fee (\$)

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims** **Extra Claims** **Fee (\$)** **Fee Paid (\$)**- 3 or HP =  $\frac{\text{Indep. Claims} - 3}{\text{HP}}$  x Fee (\$)

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets** **Extra Sheets** **Number of each additional 50 or fraction thereof** **Fee (\$)** **Fee Paid (\$)**- 100 =  $\frac{\text{Total Sheets} - 100}{50}$  (round up to a whole number) x Fee (\$)**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

**Fees Paid (\$)**

Other (e.g., late filing surcharge): Terminal Disclaimer - 37 C.F.R. 1.20(d)

130

**SUBMITTED BY**

Signature

Registration No. 39,459  
(Attorney/Agent)

Telephone +44-1625-500057

Name (Print/Type) HAY, Martin Alexander

Date February 22, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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